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Customer No. 23642  
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U.S. Patent No. 6,223,937  
Attorney Docket No. 46774-56123  
Response to Request for Information dated September 23, 2010

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. : 6,223,937 RECEIVED  
Issued : May 1, 2001 NOV 30 2010  
Application No. : 09/441,869 OFFICE OF PETITIONS  
Filed : November 17, 1999  
For : PORTABLE DISPENSING BOTTLE WITH DISSOLVABLE WAX  
PLUG AT INLET

RESPONSE TO REQUEST FOR INFORMATION

Commissioner for Patents  
Mail Stop Petitions  
P.O. Box 1450  
Alexandria, VA 22313-1460

Dear Sir:

The following remarks and supporting evidence are submitted in response to the Request for Information mailed September 23, 2010. This Response supplements the evidence and arguments presented in the Petition to Accept Unavoidably Delayed Payment of Maintenance Fee and for Reinstatement Under 37 C.F.R. §1.378(b) filed June 29, 2010 ("Petition").

I. The Request for Information

The undersigned counsel thanks the Examiner for the courtesies extended during telephone interviews on November 9 and 19, 2010 during which the present Petition and the Request for Information were discussed. The Request for Information mailed September 23, 2010 seeks the following information:

1. A declaration from Ms. Patrice M. Potter and others at Baker & Daniels with first hand knowledge of information relevant to the present Petition and the

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circumstances surrounding the delay in paying the maintenance fees for the '937 Patent.

2. A description of the steps in place at Baker & Daniels to ensure that the maintenance fees for the '937 Patent were timely paid, including an explanation of who at Baker & Daniels was responsible for tracking and paying the maintenance fees and the method that this person or entity used for tracking the fees.
3. Information regarding the Computer Packages, Inc. ("CPI") docket system, its use in the industry and why it is a reliable system.
4. The process Baker & Daniels used to convert data to the CPI system and the integrity and error checks that Baker & Daniels used in the process, the tests conducted to verify the completeness and reliability of the data in the system, an explanation of how the data entry was accomplished and how the error occurred.
5. A Statement Under 37 C.F.R. § 3.73(b).<sup>1</sup>

In addition to the remarks that follow, Petitioner submits herewith (a) information from CPI (Exhibit B), (b) a Declaration of Patrice M. Potter (Exhibit C), (c) a Declaration of John F. Hoffman (Exhibit D) and (d) additional supporting evidence (Exhibits E-I).

## II. The CPI Docket System

During the interview with the Examiner on November 9, the undersigned counsel advised the Examiner that Petitioner is not asserting any defect or fault with the CPI system. Rather, as explained in greater detail below, Petitioner alleges that a clerical error in making a docket entry into the CPI system was the error that resulted in unavoidable delay in paying the maintenance fees. Petitioner further advised the Examiner that the pertinent data with respect to the issue date of the

<sup>1</sup> The Statement Under 37 C.F.R. § 3.73(b) is attached as Exhibit A.

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'937 Patent and the maintenance fee deadlines generated by the CPI system were accurate. Thus, the CPI system functioned appropriately with respect to the '937 Patent.

Nevertheless, pages from the CPI website at [www.computerpackages.com](http://www.computerpackages.com) and a list of representative clients that Petitioner obtained from CPI are attached hereto as Exhibit B in response to the questions raised in the Request for Information. According to the site, "CPI has over 40 years of being the most successful company in providing IP management software and services to corporations and law firms." The CPI system includes "unlimited training and support in the use of the system." CPI asserts that it "has completed more successful conversions than all other suppliers combined." With respect to annuity systems, CPI claims "[u]nique use of Patent Office electronic data to check" its clients' data.

The representative client list includes corporations and law firms from the following 23 countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Hong Kong, India, Ireland, Israel, Italy, Mexico, the Netherlands, Norway, Saudi Arabia, Scotland, Sweden, Switzerland, the United Kingdom, the United States and Venezuela. Thus, the CPI docketing system is relied on by law firms and companies throughout the world.

The following table identifies CPI law firm clients that rank in Intellectual Property Today's top 25 patent firms based on utility patents issued in 2009<sup>2</sup>:

Firm	IP Today Patent Rank
Oliff & Berridge	4
McDermott, Will & Emery	11
Finnegan, Henderson, Farabow, Garrett & Dunner	14
Wilson, Sonsini, Goodrich & Rosati	17
Buchanan Ingersoll	20
Schwegman, Lundberg, Woessner & Kluthh	21
Baker Botts	25

<sup>2</sup> Exhibit E

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The following table identifies CPI law firm clients that rank in Intellectual Property Today's top 25 trademark firms based on trademark registrations issued in 2009<sup>3</sup>:

Firm	IP Today Trademark Rank
Barnes & Thornburg	7
McDermott, Will & Emery	10
Husch Blackwell Sanders <sup>4</sup>	11
Nixon Peabody	15
Lewis & Roca	18
Baker & Hostetler	24

The following table identifies CPI corporate clients that rank in USPTO top 25 based on utility patents issued from 2005 to 2009<sup>5</sup>:

Company	USPTO Patent Rank
Hewlett-Packard Development Company, L.P. <sup>6</sup>	6
Sony Corporation <sup>7</sup>	8
Fujitsu Limited <sup>8</sup>	12

The following table identifies CPI corporate clients that rank in the Trademark Insiders top 25 based on the number of trademark applications filed in the first three quarters of 2007<sup>9</sup>:

Company	USPTO Trademark Rank
Time Warner	1
The Walt Disney Company	3

<sup>3</sup> Exhibit F

<sup>4</sup> Appears as Husch, Blackwell, Sanders, Welsh & Katz on the CPI list.

<sup>5</sup> Exhibit G

<sup>6</sup> Listed as Hewlett-Packard Company on the CPI list

<sup>7</sup> Listed as Sony Corporation of America and Sony Computer Entertainment America on the CPI list

<sup>8</sup> Listed as Fujitsu America, Inc. on the CPI list

<sup>9</sup> Exhibit H

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PepsiCo, Inc.	12
Bristol-Myers Squibb Company	13
Hasbro, Inc.	16
Estee Lauder, Inc. <sup>10</sup>	19

The following table identifies CPI law firm clients that rank in top 25 of the National Law Journal's list of the 250 largest U.S. law firms<sup>11</sup>:

Firm	NLJ 250 Rank
Baker & McKenzie	1
Jones Day	3
Hogan Lovells	4 <sup>12</sup>
Latham & Watkins	5
White & Case	7
Greenberg Traurig	8
Mayer, Brown, Rowe & Maw	10
Morgan, Lewis & Bockius	14
Weil, Gotshal & Manges	15
Orrick, Herrington & Sutcliffe	17
Dewey & LeBoeuf	18
Gibson, Dunn & Crutcher	20
Holland & Knight	22
McDermott, Will & Emery	23

<sup>10</sup> Listed as Estee Lauder Companies, Inc. on the CPI list

<sup>11</sup> Exhibit I

<sup>12</sup> Hogan Lovells appears on the CPI Client list as Hogan & Hartson. Hogan Lovells was formed in May of 2010 when Hogan & Hartson merged with Lovells.

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These tables and the accompanying exhibits clearly demonstrate that the largest, most sophisticated companies and law firms rely on the CPI docketing system. Nearly 30% of the law firms with the largest patent prosecution practices use the CPI system. More than half of the 25 largest law firms rely on the CPI system. As set forth in the Declaration of Mr. Hoffman, Baker & Daniels has found the CPI docket system to be reliable. (Hoffman Declaration ¶12).

**III. There Was in Place at Baker & Daniels a Business Routine for Performing the Clerical Function of Docketing and Paying Patent Maintenance Fees That Could Reasonably be Relied Upon to Avoid Errors in its Performance.**

During the time period relevant to the present petition, Baker & Daniels' paralegal, Ms. Potter, was responsible for docketing and ensuring timely payment of the maintenance fees for the '937 Patent. Baker & Daniels utilized the CPI docket system for tracking and paying maintenance fees. Baker & Daniels used the following business routine for ensuring proper performance of that function and avoiding errors:

1. A file number was assigned to the matter. (Potter Declaration, ¶9.a.).
2. A docket entry was created for the matter and the patent issue date was entered into the docket. The docket system automatically calculated maintenance fee due dates based on the issue date. (Potter Declaration, ¶9.b.).
3. The data from the Baker & Daniels docketing system was electronically transferred to CPI. CPI prepared reports by client for all maintenance fee and annuity fee payment deadlines for a particular calendar quarter. CPI forwarded these reports to Baker & Daniels. Baker & Daniels typically worked at least one quarter ahead of time to ensure clients had adequate time to decide which maintenance and annuity fees to pay. For each report prepared by CPI, the responsible paralegal issued a letter to the client seeking payment instructions. The report for the client was enclosed with the letter. (Potter Declaration, ¶9.c.).

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4. Upon receiving payment instructions from the client, Baker & Daniels forwarded the instructions to CPI, which paid the fees and billed Baker & Daniels for the fees. (Potter Declaration, ¶9.d.).

Ms. Potter followed this procedure with respect to the '937 Patent. (Potter Declaration, ¶10).. The CPI system accurately calculated the maintenance fee due dates for the '937 Patent. (Potter Declaration, ¶10).

To ensure that dates in the CPI docket system were correct, the paralegal would print out a sheet that summarized the docket data entries for each matter. That sheet together with the physical file was then routed to the responsible attorney. The responsible attorney verified that the docket entries were correct. (Potter Declaration, ¶15; Hoffman Declaration ¶8). Baker & Daniels also used a periodic audit procedure to verify that data in the docket was accurate. All intellectual property paralegals and docket clerks throughout Baker & Daniels would periodically travel to the office whose docket data entry was being audited. One of the paralegals would run a docket report showing the docket entries for all active patent matters. The paralegals and docket clerks then reviewed the physical files for each matter and confirmed the accuracy of the data entered into the docket system for each matter. (Potter Declaration, ¶14).

Thus, Baker & Daniels used one of the leading computerized docketing systems and an elaborate data integrity verification process to ensure that data was correctly entered into the docketing system, that maintenance fees were appropriately tracked and that the fees were ultimately paid. It should be noted that a single, reliable docketing system is all that is required by a prudent and careful person to demonstrate unavoidable delay. It is not necessary to also have a backup or contingency system. See California Medical Products, Inc. v. Tecnon Medical Products, Inc., 921 F.Supp. 1219, 1259 (D. Del. 1995). Accordingly, the system in place at Baker & Daniels clearly meets the standards for a business routine that can be relied upon to avoid errors in the tracking and payment of maintenance fees. As discussed below, a clerical error by a fully trained and reliable employee, namely, Ms. Potter, was the error that resulted in the delay in payment of the maintenance fees.

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**IV. Ms. Potter Changed the Status of the '937 Patent in the Docket System to "Abandon" and this Erroneous Docket Entry Was the Cause of the Unavoidable Delay in Paying the Maintenance Fees for the '937 Patent.**

As noted in the original Petition submitted in this matter, Baker & Daniels' file does not contain any instructions not to pay the maintenance fees for the '937 Patent or to otherwise allow the patent to expire. Mr. Harter's declaration clearly states that no such instructions were given. Nevertheless, on December 26, 2002, Ms. Potter erroneously updated the "Application Status" field in the docket entry for the '937 Patent to "Abandoned." (Potter Declaration, ¶11). Because the '937 Patent was erroneously listed as "abandoned" in the docket system, data relating to the '937 Patent was not transferred to CPI when the docket data was electronically transferred to CPI as explained above. As a result, the maintenance fee report for Iron Out would not have included the maintenance fee payment deadlines for the '937 Patent. (Potter Declaration, ¶12). Because the docket entry for the '937 patent was erroneously marked "abandoned," Baker & Daniels did not advise Mr. Harter or anyone else at Iron Out of the deadlines for paying the first and second maintenance fees, with the result that maintenance fees for the '937 Patent were not paid. (Potter Declaration, ¶13). Thus, Ms. Potter concludes that the error of marking the '937 Patent as "abandoned" was the cause of the failure to pay the fist and second maintenance fees for the '937 Patent and resulted in expiration of the '937 Patent. (Potter Declaration, ¶12).

But for Ms. Potter's error, the due dates for the maintenance fees for the '937 Patent would have appeared on the reports provided to Baker & Daniels by CPI. The dates would have been reported to Mr. Harter and Mr. Harter would have instructed Baker & Daniels to pay the fees and the fees would have been promptly paid. Thus, the '937 Patent would never have been expired.

**V. Ms. Potter Was Sufficiently Trained and Experienced With Regard to the Business Functions and Routines Described Above for their Performance that Reliance on her Represented the Exercise of Due Care**

Mr. Hoffman was Ms. Potter's immediate supervisor during all times relevant to this Petition. (Hoffman Declaration, ¶7). Mr. Hoffman is a highly experienced patent attorney, having been

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admitted to practice before the PTO since 1973. (Hoffman Declaration, ¶1). During Ms. Potter's tenure with Baker & Daniels, she was trained on the CPI docket system by another long-term and reliable intellectual property paralegal. (Hoffman Declaration, ¶6; Potter Declaration, ¶5). Ms. Potter received further training when Baker & Daniels began using CPI's web based docket system. (Potter Declaration, ¶7).

Ms. Potter had been an intellectual property paralegal with docketing responsibilities for more than eight years at the time she erroneously marked the '937 Patent as abandoned in the docket system. (Hoffman Declaration, ¶9; Potter Declaration, ¶¶3, 6). She had been a reliable paralegal and docket clerk for that entire time and, as attested to by Mr. Hoffman, continues to be a reliable employee today. (Hoffman Declaration, ¶¶9, 10). Mr. Hoffman is not aware of any other error on the part of Ms. Potter that has resulted in a U.S. or foreign patent or trademark lapsing. (Hoffman Declaration ¶10). Mr. Hoffman concludes that Ms. Potter was sufficiently trained and experienced with regard to (a) patent docketing functions, (b) patent maintenance fee tracking and payment, (c) Baker & Daniels' docket data entry verification process and (d) the routine for performing these functions and processes that Baker & Daniels exercised due care in relying on her. (Hoffman Declaration ¶11).

In light of Ms. Potter's training, supervision and flawless track record, it is clear that Baker & Daniels' reliance on her represents the exercise of due care.

#### **VI. Conclusion**

Baker & Daniels used a leading computerized docket system for tracking and paying maintenance fees. A highly trained, highly reliable intellectual property paralegal with years of docketing experience was responsible for tracking and paying the maintenance fees for the '937 Patent. She was supervised by a senior partner with decades of experience. Unfortunately, a clerical docketing error resulted in the fees for the '937 Patent not being paid. Petitioner respectfully submits that it has met the standard for showing unavoidable delay in payment of the first and second maintenance fees and

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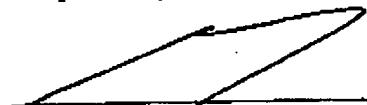
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requests reinstatement of the '937 Patent. If any fees are due, please charge them to Barnes & Thornburg's Deposit Account No. 100435 (46774.56123).

Respectfully submitted,

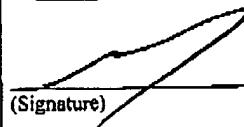
  
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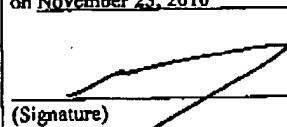
  
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## OFFICE OF PETITIONS

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PTO/58/98 (07-09)

Approved for use through 07/31/2012, OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCESTATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Iron Out, Inc.

Filed/Issue Date: May 1, 2001

Application No./Patent No.: 6223937

Titled: PORTABLE DISPENSING BOTTLE WITH DISSOLVABLE WAX PLUG AT INLET

Iron Out, Inc.

a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest in:
2.  an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 013542, Frame 0858, or for which a copy therefore is attached.

OR

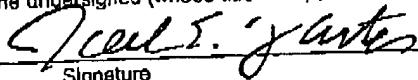
B.  A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as follows:

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 Additional documents in the chain of title are listed on a supplemental sheet(s). As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



10/5/10

Date

Joel E. Harter

President

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## About Us

CPI has over 40 years of being the most successful company in providing IP management software and services to corporations and law firms. Success in fast accurate conversion of data, unique electronic patent data audit & ability to make our system meet your requirements. Please review our client list and compare it with any other potential IP system or annuity service supplier.

CPI unique advantages:

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1. Included in the cost of our system is unlimited training and support in the use of the system. This means CPI is the only supplier from whom you know your total cost before undertaking conversion to a new system.
2. Conversion is the high risk area of going to a new IP system. CPI has completed more successful conversions than all other suppliers combined.
3. Software quality - CPI is the only supplier with systems which have evolved with improvements with a stable US and European based staff of internal programmers. CPI is also the only supplier under the same ownership and management since the founding of CPI in 1968.
4. CPI is the only IP software supplier to support all versions of our system. This means no forced upgrades. PC based and web (hosted by you or CPI) systems are available.
5. CPI uniquely attaches patent office data to your system to improve your patent management.

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2. Paperless annuity management improves your efficiency of annuity management and saves cost with improved reviews.

### New unique CPI services

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 Pietragallo Bosick & Gordon

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 Saul Ewing LLP  
 Shire Pharmaceuticals  
 Synnestvedt Lechner & Woodbridge LLP  
 Technology, Patents and Licensing, Inc.  
 Unisys Corporation  
 United States Steel Corporation  
 Vesuvius USA Corporation  
 VGX Pharmaceuticals LLC  
 Vitae Pharmaceuticals, Inc.  
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**RI**  
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 The Colibri Group  
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**SC**  
 3D Systems Corporation  
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 Sealed Air Corp. - Cryovac Inc.

**TN**  
 Baker, Donelson, Bearman, Caldwell & Berkowitz  
 Butler, Snow, O'Mara, Stevens, and Cannada PLLC  
 Federal Express Corporation  
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**TX**  
 Advanced Neuromodulation Systems  
 Alcon Research, Ltd.  
 Andrews & Kurth L.L.P.  
 Baker Botts L.L.P.  
 BioNumerik Pharmaceuticals, Inc.  
 Brinker Restaurant Corporation  
 Campbell Stephenson Ascolese LLP  
 Carstens & Cahoon, L.L.P.  
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 Lockheed Martin Aeronautics Company-Fort Worth

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 Smith International, Inc.  
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 ITT Defense & Electronics  
 J.A. Lindeman & Co. PLLC  
 Latimer, Mayberry & Mathews IP Law, LLP  
 Lockheed Martin MS2  
 The Marbury Law Group, PLLC  
 McGuireWoods LLP  
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 Odin, Feldman & Pittleman, P.C.  
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 Rossi, Kimms & McDowell LLP  
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 University of Virginia

Whitham, Curtis & Christofferson, P.C.  
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 Foster Pepper PLLC

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Seed Intellectual Property Law Group PLLC

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Diversey, Inc.  
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Quarles & Brady LLP  
Reinhart Boerner Van Deuren s.c.  
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NOV 30 2010

In re U.S. Patent No. 6,223,937

OFFICE OF PETITIONS

Issued: May 1, 2001

Title: Portable Dispensing Bottle with Dissolvable  
Wax Plug at Inlet

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PATRICE M. POTTER**

Sir:

I, Patrice M. Potter, hereby declare as follows:

1. I am over 18 years of age and have personal knowledge of the facts and events discussed herein.
2. I am a paralegal on the Intellectual Property Team with the law firm of Baker & Daniels LLP. I have been a paralegal on the Intellectual Property Team with Baker & Daniels at all times relevant to the matters discussed herein.
3. I was hired by Baker & Daniels' Intellectual Property Group in November of 1994. When I first joined Baker & Daniels, my responsibilities on the Intellectual Property Group were primarily related to trademark matters. During that time, some of my duties included receiving office actions from the U.S. Trademark Office, docketing the office actions and ensuring that the responses were timely filed. I was also responsible for receiving registration certificates from the U.S. Trademark Office and foreign trademark offices and docketing the deadlines for filing declarations of continued use and incontestability and renewal applications and ensuring that the declarations and renewal applications were timely filed.

4. When I joined Baker & Daniels, another paralegal by the name of Lynda Myers was primarily responsible for patent matters. Lynda and I worked together during the time period from November 1994 to July 1997. Lynda moved from Ft. Wayne in or about July of 1997 and was required to resign from Baker & Daniels.

5. Prior to Lynda's departure, I was asked to train under Lynda to learn her patent related responsibilities, as the tasks required between the trademark area and patent area are very similar. For about one month prior to Lynda's departure, I trained with Lynda to better learn the patent system, the docketing software as it relates to patents and to better learn the process of patent prosecution.

6. Since about July of 1997 to the present date, I have been primarily responsible for patent matters at Baker & Daniels. Throughout that time, I have been responsible for receiving correspondence from the U.S. Patent Office and foreign patent agents, docketing the required due dates, preparing Information Disclosure Statements for the patent applications, monitoring U.S. and foreign due dates and deadlines, assisting in the preparation of formal papers for U.S. and foreign patent applications, and in filing U.S. and foreign applications. I have also been responsible for notifying Baker & Daniels' clients of maintenance fee and annuity fee deadlines and arranging for payment of maintenance fees and annuities upon receipt of instructions from the clients.

7. When I was hired, Baker & Daniels utilized a commercially available electronic DOS based docketing system from Computer Packages, Inc. ("CPI"). Sometime in 2000, Baker & Daniels upgraded the docketing system to a web-based system. I was trained on the proper use of the CPI DOS based system when I was hired by Baker & Daniels. CPI provided further training on the docketing system when it was converted to a web based system.

8. From October 24, 2002 (the date on which Iron Out acquired the '937 Patent) through May 1, 2005 (the deadline for paying the first maintenance fee for the '937 Patent) Baker & Daniels utilized the CPI web-based docketing system.

9. From October 24, 2002 (the date on which Iron Out acquired the '937 Patent) through May 1, 2005 (the deadline for paying the first maintenance fee for the '937 Patent) Baker &

Daniels' standard practice with respect to tracking maintenance fee deadlines, notifying clients of the deadlines and seeking payment instructions was as follows:

- a. A file number was assigned to the matter.
- b. A docket entry was created for the matter and the patent issue date was entered into the docket. The docket system automatically calculated maintenance fee due dates based on the issue date.
- c. The data from the Baker & Daniels docketing system was electronically transferred to CPI. CPI prepared reports by client for all maintenance fee and annuity fee payment deadlines for a particular calendar quarter. CPI forwarded these reports to Baker & Daniels. Baker & Daniels typically worked at least one quarter ahead of time to ensure clients had adequate time to decide which maintenance and annuity fees to pay. For each report prepared by CPI, the responsible paralegal issued a letter to the client seeking payment instructions. The report for the client was enclosed with the letter.
- d. Upon receiving payment instructions from the client, Baker & Daniels forwarded the instructions to CPI, which paid the fees and billed Baker & Daniels for the fees.

10. I followed this standard practice with respect to the '937 Patent. Attached as Exhibit A is a printout from Baker & Daniels' docket system. It indicates that File No. IRO0102 was assigned to the '937 Patent and the issue date of the patent was correctly entered into the docket. (Exhibit A, page 1) The CPI docket system also correctly calculated the 3½, 7½ and 11½ year maintenance fee due dates for the '937 Patent and entered them into the system. (Exhibit A, page 2).

11. I have no memory of having done so, but based on my review of the docket entries for the '937 Patent, I conclude that on December 26, 2002, I erroneously updated the "Application Status" field in the docket entry for the '937 Patent to "Abandoned." This field can be seen in Exhibit A, page 1.

12. Because the '937 Patent was erroneously listed as "abandoned" in the docket system, data relating to the '937 Patent was not transferred to CPI when the docket data was electronically

transferred to CPI as explained above in paragraph 9c. Therefore, the maintenance fee report for Iron Out would not have included the maintenance fee payment deadlines for the '937 Patent. Thus, the error of marking the '937 Patent as abandoned was the cause of the failure to pay the first and second maintenance fees for the '937 Patent and resulted in expiration of the '937 Patent.

13. Because the docket entry for the '937 patent was erroneously marked "abandoned," Baker & Daniels did not advise Mr. Harter or anyone else at Iron Out of the deadlines for paying the first and second maintenance fees, with the result that maintenance fees for the '937 Patent were not paid.

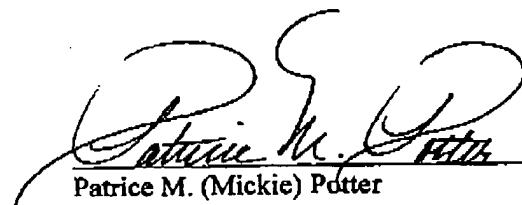
14. During all times relevant to the matters discussed herein, Baker & Daniels employed a firm-wide docket entry data verification process, including an audit procedure to ensure that data was properly entered into the CPI docket system. As part of that audit procedure, all intellectual property paralegals and docket clerks throughout Baker & Daniels would periodically travel to the office whose docket data entry was being audited. One of the paralegals would run a docket report showing the docket entries for all active patent matters. The paralegals and docket clerks then reviewed the physical files for each matter and confirmed the accuracy of the data entered into the docket system for each matter.

15. A further step of docket entry data verification process included printing out a sheet that summarized the docket data entries for each matter. That sheet together with the physical file was then routed to the responsible attorney. The responsible attorney verified that the docket entries were correct.

16. The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Declaration and/or the '937 Patent.

Date

Nov. 19, 2010



Patrice M. (Mickie) Potter

## Exhibit A

**Country Application**

Wednesday, November 17, 2010

Page: 1

**Our File Number:** IRO0102**Country:** US**SubCase:****Resp. Office:** FW**Old File Number:** IRO0102**United States of America****Client:** Iron Out, Inc.**File Audited:** **Case Type:** ORD**Application Status:** Abandoned ←**Application Number:** 09/441,869**Filing Date:** 17-Nov-1999**Publication Number:****Publication Date:****Patent Number:** 6,223,937**Issue Date:** 01-May-2001**Parent/PCT Number:****Parent/PCT Date:****Parent Issue Number:****Parent Issue Date:****Tax Schedule:** LE**Expiration Date:** 17-Nov-2019**Confirmation #:****Patent Term Adjustment:** 0**Agent:****Agent Reference #:****Family Reference:****Our File (US):** IRO0102**C/M Number:** 85968/102**Bible Number:****AppTitle:** PORTABLE DISPENSING BOTTLE WITH DISSOLVABLE WAX PLUG AT  
INLET**Inventors:**

Schmidt, Kevin

**Country Application**

Wednesday, November 17, 2010

Page: 1

**List Of Actions**

Action(s) Due	Due Date	Due Date	Action Taken
IDS	17-Feb-2000	Due Date	01-Nov-2002
Foreign Filing	17-May-2000	Due Date	01-Nov-2002
Foreign Filing Reminder	17-May-2000	Reminder	01-Nov-2002
Foreign Filing Reminder	17-Aug-2000	Due Date	01-Nov-2002
Foreign Filing Final Reminder	17-Oct-2000	Due Date	01-Nov-2002
Foreign Filing Deadline	17-Nov-2000	Final	01-Nov-2002
Application Status Check	17-May-2001	Due Date	01-Nov-2002
Request for Examination	17-Nov-2002	Due Date	01-Nov-2002
MAINTENANCE-11 Follow Up Date	26-Jun-2003	Due Date	26-Dec-2002
MAINTENANCE-3 Follow Up Date	26-Jun-2003	Due Date	26-Dec-2002
MAINTENANCE-7 Follow Up Date	26-Jun-2003	Due Date	26-Dec-2002
MAINTENANCE STARTS	01-May-2004	Due Date	26-Dec-2002
MAINTENANCE FOLLOW-UP	01-Aug-2004	Due Date	26-Dec-2002
MAINTENANCE FOLLOW-UP	01-Oct-2004	Final	26-Dec-2002
MAINTENANCE ENDS	01-Nov-2004	Final	26-Dec-2002
→ Tax 3.5	01-Nov-2004	Due Date	26-Dec-2002
MAINTENANCE STARTS	01-May-2008	Due Date	26-Dec-2002
MAINTENANCE FOLLOW-UP	01-Aug-2008	Due Date	26-Dec-2002
MAINTENANCE FOLLOW-UP	01-Oct-2008	Final	26-Dec-2002
MAINTENANCE ENDS	01-Nov-2008	Final	26-Dec-2002
→ Tax 7.5	01-Nov-2008	Due Date	26-Dec-2002
MAINTENANCE STARTS	01-May-2012	Due Date	26-Dec-2002
MAINTENANCE FOLLOW-UP	01-Aug-2012	Due Date	26-Dec-2002
MAINTENANCE FOLLOW-UP	01-Oct-2012	Final	26-Dec-2002
MAINTENANCE ENDS	01-Nov-2012	Final	26-Dec-2002
→ Tax 11.5	01-Nov-2012	Due Date	26-Dec-2002

User ID: pmpotter

Date Created: 07-Nov-2002

Last Update: 26-Dec-2002

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 6,223,937

Issued: May 1, 2001

Title: Portable Dispensing Bottle with Dissolvable  
Wax Plug at InletCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450DECLARATION OF JOHN F. HOFFMAN

I, John F. Hoffman, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document, declare that:

1. I am a patent attorney and have been registered to practice before the US Patent and Trademark Office as an attorney since March 13, 1973. My registration number is 26,280.
2. I am presently the senior partner in the Intellectual Property Group's Ft. Wayne Indiana office of Baker & Daniels.
3. Prior to joining Baker & Daniels, I was a partner with the law firm of Jeffers, Hoffman and Niewyk. The Jeffers firm merged with Baker & Daniels in about September of 1991, and I joined Baker & Daniels in that merger.
4. When the Jeffers firm merged with Baker & Daniels, many other professionals also joined. One of the professionals that joined Baker & Daniels was a patent paralegal by the name of Lynda Myers. Lynda was responsible for, among other things, docketing all patent matters for

EXHIBIT D

the Jeffers firm, and subsequently for the Baker & Daniels firm until the time she left in about July 1997.

5. Patrice Michele Potter ("Mickie") was hired by Baker & Daniels' Intellectual Property Group in November of 1994. During the time that she and Lynda were both employed by Baker & Daniels' Intellectual Property Group (November 1994 - July 1997), Mickie was primarily responsible for trademark matters. During that time, some of Mickie's duties included receiving office actions from the U.S. Trademark Office and foreign trademark offices, docketing the deadlines for responding to the office actions and ensuring that responses to the office actions were timely filed. Mickie's responsibilities also included receiving registration certificates from the U.S. Trademark Office and foreign trademark offices and docketing the deadlines for filing declarations of continued use and incontestability and renewal applications and ensuring that the declarations and renewal applications were timely filed.

6. Prior to Lynda Myers' departure, I asked Mickie to broaden her responsibilities by learning about patent matters, as the tasks required for docketing trademark matters and patent matters are very similar. For the time period of approximately one month before Lynda's departure, Mickie trained with Lynda to better learn the patent system, the docketing software as it relates to patents and the process of patent prosecution.

7. During all relevant times, I have been Mickie's immediate supervisor.

8. As part of Baker & Daniels' docket entry data verification process, each time Mickie made a new entry in the docket system, she printed out a sheet that summarized the docket entries. Mickie then routed that sheet together with the physical file to the responsible attorney. The responsible attorney verified that the docket entries were correct.

9. Prior to the docketing error which occurred on or about December 26, 2002 that resulted in the maintenance fees not being paid for U.S. Patent No. 6,223,937, Mickie had been a patent paralegal for over five (5) years and a trademark paralegal for over two (2) years. Thus, Mickie had over eight (8) years of docketing experience. During that time, Mickie has always been a very conscientious paralegal and I am not aware of any other docket entries that were incorrectly

entered. I have always considered Mickie to be a conscientious and reliable paralegal. I continue to rely on her to docket and track patent maintenance fee deadlines according to the procedures outlined in her declaration.

10. Other than the docketing error which occurred on or about December 26, 2002 that resulted in the maintenance fees not being paid for U.S. Patent No. 6,223,937, I am not aware of any errors by Mickie which caused a lapse in a U.S. or foreign patent or trademark.

11. For all of the reasons mentioned herein, I believe that Mickie was sufficiently trained and experienced with regard to (a) patent docketing functions, (b) patent maintenance fee tracking and payment, (c) Baker & Daniels' docket data entry verification process and (d) the routine for performing these functions and processes that Baker & Daniels exercised due care in relying on her.

12. At all times relevant to the matters discussed in this declaration, Baker & Daniels utilized a commercially available electronic docketing system from Computer Packages, Inc. ("CPI"). I have always found the CPI system to be reliable.

November 19, 2010  
Date

John Hoffman, Reg. No. 26,280  
Baker & Daniels  
111 E. Wayne Street, Suite 800  
Ft. Wayne, IN 46802  
Telephone: (260) 460-1692

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## 2010 Top Patent Firms

The list this year is comprised of 356 law firms/individuals. Thank you to all who participated. Firms are ranked according to the number of utility patents issued in 2009 where the firm or individual is listed as the legal representative on the face of the registration.

- Averages and percentages have been rounded to the nearest tenth.
- There will be no additions to the list once it has been published.
- The survey form was available on our website from 3/1/10-2/16/10.

Rank	Name	2009 Utility	2009 Design	2009 Plant	Total 2009	Total 2008	Total 2007	3 Year Avg	2009-2008 % Change	Atty	Agts	Web
1	Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.	4043	72	0	4115	3847	3481	3814.3	+5%	104	9	
2	Sughrue Mion, PLLC	2874	244	0	3118	3216	3320	3218.0	-3.1%	98	8	
3	Birch, Stewart, Kolaech & Birch, LLP	2503	202	0	2705	2751	2915	2760.3	-1.7%	42	10	
4	Olliff & Bonridge, PLC	2429	149	0	2578	2491	2426	2488.3	+3.4%	53	3	
5	Hammes, Dickey & Pierce PLC	1974	142	0	2118	1710	1812	1812.7	+10.2%	101	4	
6	Fitzpatrick, Cella, Harper & Schles	1818	31	0	1849	1,620	1,704	1658.7	+1.6%	n/p	n/p	
7	Fish & Richardson	1584	95	0	1679	1625	1653	1652.3	+2.4%	206	22	
8	Townsend and Townsend and Crew LLP	1537	76	6	1619	1556	1481	1545.3	+3.9%	125	17	
9	Blankley Sokoloff Taylor & Zefman LLP	1515	46	0	1561	1612	1687	1620.0	-3.3%	79	4	
10	Nixon & Vanderhye P.C.	1418	150	0	1588	1416	1538	1507.3	+0.7%	48	2	
11	McDermott Will & Emery LLP	1415	62	0	1497	1448	1420	1455.0	+3.3%	86	7	
12	Foley & Lardner LLP	1351	159	23	1533	1651	1579	1587.7	-7.7%	138	18	
13	Cantor Colburn LLP	1330	100	0	1490	1173	861	1154.7	+18.0%	68	10	
14	Finnegan, Henderson, Farabow, Garret & Dunner, LLP	1313	94	0	1407	1448	1240	1358.3	-3.0%	316	2	
15	Knobbe Martens Olson & Bear LLP	1282	132	3	1417	1315	1313	1340.3	+7.2%	103	5	
16	Brinks Hofer Giallani & Lyons	1025	208	0	1231	1242	1089	1187.0	-0.9%	158	8	
17	Wilson Sonsini Goodrich & Rosati, P.C.	1022	2	0	1024	78	70	300.7	+92.4%	85	15	
18	Stiles & Halsey LLP	976	309	0	1285	1712	1450	1482.3	-33.2%	25	1	
19	Wenderoth, Lind & Ponack, L.L.P.	899	149	0	1088	859	850	889.0	+11.6%	24	0	
20	Buchanan Ingersoll & Rooney PC	818	93	23	1035	1046	1157	1078.3	-1.1%	55	4	
21	Schwagman, Lundberg & Woessner, P.A.	878	31	0	909	885	979	927.7	+5.5%	66	3	
22	Marchant & Gould	850	87	0	937	822	881	880.0	+12.3%	62	5	
23	Kenyon & Kenyon LLP	848	44	0	883	841	911	881.7	+5.8%	129	12	
24	Workmen Nydegger, P.C.	849	46	0	885	648	551	698.0	+27.6%	55	0	
25	Baker Botts L.L.P.	778	40	0	819	822	900	847.0	-0.4%	82	9	

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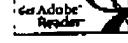
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## 2010 Top Trademark Firms

The list this year is comprised of 210 law firms/individuals. Thank you to all who participated. Firms are ranked according to the number of trademark registrations issued in 2009 where the firm or individual is listed as the legal representative on the registration.

- Averages and percentages have been rounded to the nearest tenth.
- There will be no additions to the list once it has been published.
- The survey form was available on our website from 3/1/10-4/14/10.

Rank	Name	2009	2008	2007	3 Year Avg	% Change '08-'09	City	State	Web
1	Fulbright & Jaworski L.L.P.	1720	2318	2508	2182.0	+25.8%	Houston	TX	<a href="#">FJ.com</a>
2	Frost Zelnick Lehman & Zissu, PC	1108	1181	1021	1088.7	-4.5%	New York	NY	<a href="#">FZL.com</a>
3	K&L Gates LLP	1020	1305	751	1035.3	-20.6%	Pittsburgh	PA	<a href="#">KL.com</a>
4	DLA Piper US LLP	888	852	778	771.3	-10.5%			<a href="#">DLA.com</a>
5	Knobbe Martens Olson & Bear, LLP	674	801	587	650.7	-2.5%	Irving	CA	<a href="#">KMOB.com</a>
6	Perkins Coie LLP	673	767	588	658.7	-12.3%	Seattle	WA	<a href="#">PC.com</a>
7	Barnes & Thornburg LLP	650	670	601	640.3	-3.0%	Chicago	IL	<a href="#">BTL.com</a>
8	Merchant & Gould, PC	621	687	673	663.7	-10.6%	Minneapolis	MN	<a href="#">MGP.com</a>
9	Dorsey & Whitney LLP	589	648	538	591.0	-8.8%	Minneapolis	MN	<a href="#">DW.com</a>
10	McDermott Will & Emery LLP	557	494	658	589.7	12.6%	Chicago	IL	<a href="#">MW.com</a>
11	Husch Blackwell Sanders LLP	555	809	721	695.0	-31.4%	Kansas City	MO	<a href="#">HBS.com</a>
12	Cowen, Lebowitz & Latman, P.C.	528	571	643	581.0	-7.4%	New York	NY	<a href="#">CLL.com</a>
13	Venable LLP	529	689	617	611.7	+23.2%	Washington	DC	<a href="#">Venable.com</a>
14	Foley & Lardner LLP	607	491	401	488.3	3.3%	Chicago	IL	<a href="#">FL.com</a>
15	Nixon Peabody LLP	487	605	822	668.0	+26.0%	Boston	MA	<a href="#">NixonPeabody.com</a>
16	Law Office of Xavier Morales	484	333	47	288.0	45.3%	New York	NY	<a href="#">XavierMorales.com</a>
17	Pillarby	469	526	465	488.7	+10.8%			<a href="#">Pillarby.com</a>
18	Holland & Hart LLP	462	445	316	407.7	3.8%	Denver	CO	<a href="#">HollandHart.com</a>
19	Lewis and Roca LLP	462	580	610	520.7	-21.7%	Phoenix	AZ	<a href="#">LRL.com</a>
20	Kilpatrick Stockton	457	388	362	405.7	14.8%	Atlanta	GA	<a href="#">KilpatrickStockton.com</a>
21	Ledas & Parry LLP	435	577	614	542.0	-24.6%	New York	NY	<a href="#">LPL.com</a>
22	Alston & Bird LLP	430	487	483	465.7	-11.7%	Atlanta	GA	<a href="#">AlstonBird.com</a>
23	Obin, Spivak, McClelland, Meier & Neustadt, LLP.	414	485	449	449.3	-14.6%	Alexandria	VA	<a href="#">ObinSpivak.com</a>
24	Baker Hostetler	409	445	344	399.3	-8.1%	Washington	DC	<a href="#">BakerHostetler.com</a>
25	Quiana Morris LLP	406	569	409	459.3	-26.6%	Philadelphia	PA	<a href="#">QuianaMorris.com</a>

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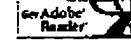
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### EXHIBIT F

Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 1 of 35

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Patent Technology Monitoring Team (PTMT)

# Patenting By Geographic Region (State and Country), Breakout By Organization

## Count of 2005 - 2009 Utility Patent Grants, By Calendar Year of Grant

### - Explanation of Data -

**Rank Ordered Listing of Organizations Receiving 100 or More Utility Patents During the Period  
Originating From**

## ALL COUNTRIES

( patent origin is determined by the residence of the first-named inventor )

*The following table displays first-named assignees and counts of their associated patents, as distributed by the year of patent grant.*

First-Named Assignee	2005	2006	2007	2008	2009	Total
~INDIVIDUALLY OWNED PATENT	14729	16630	14035	12636	12551	70581
INTERNATIONAL BUSINESS MACHINES CORPORATION	2941	3621	3125	4169	4887	18743
SAMSUNG ELECTRONICS CO., LTD.	1641	2451	2723	3502	3592	13909
CANON KABUSHIKI KAISHA	1829	2368	1983	2107	2200	10487
MICROSOFT CORPORATION	746	1463	1638	2026	2901	8774
INTEL CORPORATION	1549	1959	1864	1772	1534	8678
HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.	1790	2099	1466	1422	1269	8046
TOSHIBA CORPORATION	1258	1672	1519	1575	1669	7693
SONY CORPORATION	1135	1771	1454	1461	1656	7477
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.	1688	2229	1910	1469	47	7343

EXHIBIT C

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 2 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
MICRON TECHNOLOGY, INC.	1561	1610	1476	1250	966	6863
HITACHI, LTD	1271	1732	1381	1301	1051	6736
FUJITSU LIMITED	1154	1487	1293	1475	1188	6597
SEIKO EPSON CORPORATION	884	1200	1205	1219	1328	5836
GENERAL ELECTRIC COMPANY	904	1051	911	911	976	4753
INFINEON TECHNOLOGIES AG	787	890	847	809	595	3928
TEXAS INSTRUMENTS, INCORPORATED	734	880	749	755	649	3767
RICOH COMPANY, LTD.	469	693	727	851	985	3725
LG ELECTRONICS INC.	463	694	682	805	1064	3708
SIEMENS AKTIENGESELLSCHAFT	689	854	698	721	710	3672
HONDA GIKEN KOGYO KABUSHIKI KAISHA (HONDA MOTOR CO., LTD.)	698	778	677	703	725	3581
DENSO CORPORATION	609	732	753	655	710	3459
CISCO TECHNOLOGY, INC.	440	649	580	704	913	3286
KONINKLIJKE PHILIPS ELECTRONICS N.V.	763	896	547	483	504	3193
SUN MICROSYSTEMS, INC.	653	776	610	509	561	3109
NEC CORPORATION	661	728	600	527	511	3027
SHARP KABUSHIKI KAISHA (SHARP CORPORATION)	473	665	646	585	639	3008
BROADCOM CORPORATION	414	660	533	643	714	2964
NOKIA CORPORATION	335	597	679	608	648	2867
ROBERT BOSCH GMBH	756	646	568	413	465	2848
HONEYWELL INTERNATIONAL INC.	460	559	538	619	655	2831
MITSUBISHI DENKI KABUSHIKI KAISHA	614	610	477	481	521	2703
XEROX CORPORATION	426	501	513	529	620	2589
RENESAS TECHNOLOGY CORPORATION	606	583	505	500	369	2563
FUJIFILM CORPORATION	0	3	660	863	873	2399
EASTMAN KODAK COMPANY	578	688	492	320	296	2374

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 3 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
SILVERBROOK RESEARCH PTY. LTD	247	510	533	608	474	2372
BOEING COMPANY	403	478	428	421	532	2262
HYNIX SEMICONDUCTOR INC.	358	438	406	435	585	2222
HON HAI PRECISION IND. CO., LTD.	291	432	321	498	666	2208
SANYO ELECTRIC CO., LTD.	352	516	454	446	433	2201
MOTOROLA, INC.	456	576	411	350	339	2132
SEMICONDUCTOR ENERGY LABORATORY CO., LTD.	292	405	413	468	545	2123
3M INNOVATIVE PROPERTIES COMPANY	416	471	459	394	322	2062
TAIWAN SEMICONDUCTOR MANUFACTURING CO., LTD.	441	471	467	365	311	2055
PANASONIC CORPORATION	0	0	0	255	1759	2014
FUJI PHOTO FILM CO., LTD	750	906	294	14	14	1978
TOYOTA JIDOSHA K.K.	271	384	351	387	453	1846
LUCENT TECHNOLOGIES INC.	405	552	432	405	4	1798
DELPHI TECHNOLOGIES, INC.	406	389	356	311	308	1770
AGILENT TECHNOLOGIES, INC.	559	468	283	261	178	1749
BROTHER KOGYO KABUSHIKI KAISHA	152	238	325	462	529	1706
E. I. DU PONT DE NEMOURS AND COMPANY	251	362	369	325	359	1666
ADVANCED MICRO DEVICES, INC.	526	439	304	194	181	1644
UNIVERSITY OF CALIFORNIA, THE REGENTS OF	388	410	333	237	251	1619
APPLIED MATERIALS, INC.	352	354	285	274	299	1564
FREESCALE SEMICONDUCTOR, INC.	256	287	322	322	368	1555
QUALCOMM, INC.	200	399	278	286	356	1519
FUJI XEROX CO., LTD.	199	246	313	332	425	1515
GENERAL MOTORS CORPORATION	392	490	343	194	94	1513
HITACHI GLOBAL STORAGE TECHNOLOGIES NETHERLANDS B.V.	188	293	322	321	385	1509

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 4 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
NORTEL NETWORKS LIMITED	377	320	272	272	245	1486
FORD GLOBAL TECHNOLOGIES, L.L.C.	254	323	315	289	280	1461
SAMSUNG SDI CO., LTD.	125	162	315	432	421	1455
TELEFONAKTIEBOLAGET LM ERICSSON	331	359	253	263	248	1454
TDK CORPORATION	159	292	338	322	342	1453
LSI LOGIC CORPORATION	339	385	247	248	194	1413
LG. PHILIPS LCD CO., LTD.	320	382	418	250	1	1371
NISSAN MOTOR COMPANY, LIMITED	290	328	268	222	253	1361
NEC ELECTRONICS CORPORATION	214	207	261	267	384	1333
INDUSTRIAL TECHNOLOGY RESEARCH INSTITUTE, TAIWAN	161	255	229	286	389	1320
UNITED STATES OF AMERICA, NAVY	258	270	268	224	232	1252
OLYMPUS CORPORATION	161	248	256	285	282	1232
OKI ELECTRIC INDUSTRY CO., LTD.	315	318	279	232	82	1226
TOKYO ELECTRON LIMITED	199	211	225	245	329	1209
PROCTER + GAMBLE COMPANY	296	273	215	208	195	1187
HALLIBURTON ENERGY SERVICES, INC.	193	279	284	220	203	1179
XILINX, INC.	177	261	233	243	262	1176
SCHLUMBERGER TECHNOLOGY CORPORATION	178	224	217	259	274	1152
AT&T CORP.	202	264	273	248	141	1128
BASF AKTIENGESELLSCHAFT	231	278	225	214	177	1125
NATIONAL SEMICONDUCTOR CORPORATION	223	259	227	191	200	1100
LOCKHEED MARTIN CORPORATION	201	229	240	208	213	1091
SEAGATE TECHNOLOGY, LLC	280	255	162	185	198	1080
GM GLOBAL TECHNOLOGY OPERATIONS, INC.	0	32	195	316	527	1070
ALTERA CORPORATION	118	202	268	257	219	1064
ELECTRONICS AND TELECOMMUNICATIONS RESEARCH INSTITUTE	112	171	206	254	305	1048

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 5 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
MEDTRONIC INC.	181	233	250	148	217	1029
THOMSON LICENSING S.A.	150	252	220	201	190	1013
PIONEER CORPORATION	214	266	223	158	141	1002
AGERE SYSTEMS INC.	168	240	193	181	210	992
ASML NETHERLANDS B.V.	92	211	205	271	205	984
ILLINOIS TOOL WORKS INC.	248	177	202	185	143	955
KIMBERLY-CLARK WORLDWIDE, INC.	256	224	173	142	159	954
EMC CORPORATION	130	161	173	192	250	906
ALCATEL	212	251	154	155	131	903
YAMAHA CORPORATION	142	169	174	193	211	889
BAKER HUGHES INCORPORATED	131	134	172	197	247	881
AU OPTRONICS CORP.	107	168	181	183	239	878
LG DISPLAY CO., LTD.	0	0	0	274	596	870
SAP AKTIENGESELLSCHAFT	20	55	150	246	381	852
MURATA MANUFACTURING CO., LTD.	228	176	106	161	173	844
VIA TECHNOLOGIES, INC.	128	188	183	163	179	841
ORACLE INTERNATIONAL CORPORATION	93	174	168	201	203	839
GENENTECH, INC.	70	146	281	226	86	809
ALPS ELECTRIC CO., LTD.	215	187	168	145	91	806
CATERPILLAR INC.	154	142	176	172	161	805
PIONEER HI-BRED INTERNATIONAL, INC.	116	134	204	142	206	802
APPLE COMPUTER, INC.	85	106	118	185	289	783
BOSTON SCIENTIFIC SCIMED, INC.	81	127	147	175	250	780
SUMITOMO ELECTRIC INDUSTRIES CO., LTD.	169	160	149	145	156	779
NIKON CORPORATION	183	142	134	157	153	769
RAYTHEON COMPANY	145	207	126	123	167	768
YAZAKI CORP.	156	154	146	164	140	760

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 6 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
STMICROELECTRONICS S.A.	135	170	158	140	153	756
RESEARCH IN MOTION LIMITED	27	84	131	205	306	753
SAMSUNG ELECTRO-MECHANICS CO., LTD.	82	126	149	170	223	750
BRISTOL-MYERS SQUIBB COMPANY	113	175	164	147	145	744
MARVELL INTERNATIONAL LTD.	52	108	160	179	244	743
STMICROELECTRONICS S.R.L.	160	161	168	142	108	739
DELL PRODUCTS, L.P.	131	119	133	159	191	733
EXXONMOBIL CHEMICAL PATENTS INC.	113	154	166	158	142	733
SANDISK CORPORATION	63	83	135	211	239	731
CARDIAC PACEMAKERS, INC.	110	136	153	148	181	728
SHELL OIL COMPANY	119	185	138	135	141	718
INTERDIGITAL TECHNOLOGY CORPORATION	106	181	137	135	158	717
DEERE + COMPANY	141	142	151	138	143	715
NVIDIA CORPORATION	52	102	108	175	271	708
NTT DOCOMO, INC.	65	135	145	152	202	699
UNITED STATES OF AMERICA, ARMY	127	181	144	129	116	697
ROHM COMPANY LIMITED	113	163	143	155	114	688
MASSACHUSETTS INSTITUTE OF TECHNOLOGY	136	139	141	134	134	684
L'OREAL S.A.	107	153	163	144	115	682
MONSANTO TECHNOLOGY, LLC	51	61	137	169	259	677
SHARP LABORATORIES OF AMERICA, INC.	105	164	168	144	94	675
FUNAI ELECTRIC CO., LTD.	62	114	123	146	228	673
DONGBU ELECTRONICS CO., LTD.	21	70	189	194	187	661
FINISAR CORPORATION	112	130	142	144	127	655
LEXMARK INTERNATIONAL, INC.	91	118	167	147	126	649
NXP B.V.	0	4	181	192	271	648
NORTHROP GRUMMAN CORPORATION	143	162	134	114	94	647

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 7 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
EATON CORPORATION	125	136	121	119	141	642
MACRONIX INTERNATIONAL CO., LTD.	101	109	129	136	161	636
BELLSOUTH INTELLECTUAL PROPERTY CORPORATION	190	309	118	3	1	621
ANALOG DEVICES, INC.	129	141	142	122	84	618
HONG FU JIN PRECISION INDUSTRY (SHENZHEN) CO., LTD.	0	23	105	196	286	610
UNITED TECHNOLOGIES CORPORATION	82	133	122	130	138	605
UNITED MICROELECTRONICS CORPORATION	95	106	125	120	151	597
NGK INSULATORS LTD.	105	125	116	125	124	595
CYPRESS SEMICONDUCTOR CORP.	149	161	115	106	62	593
CORNING INCORPORATED	113	133	128	96	121	591
HYUNDAI MOTOR COMPANY	119	133	109	104	125	590
MEDIATEK INC.	32	106	126	166	157	587
LEAR CORPORATION	118	198	127	65	68	576
BLACK & DECKER INC.	75	138	128	125	105	571
WYETH	56	106	119	137	153	571
PFIZER INC.	163	138	108	77	75	561
AT&T INTELLECTUAL PROPERTY I, L.P.	0	0	0	136	420	556
SHIN ETSU CHEMICAL CO., LTD.	119	107	97	92	134	549
SPRINT COMMUNICATIONS COMPANY L.P.	69	110	112	122	126	539
MINOLTA CAMERA CO., LTD.	159	169	113	53	41	535
INTERNATIONAL GAME TECHNOLOGY (IGT)	100	81	95	124	131	531
DAIMLER-CHRYSLER AKTIENGESELLSCHAFT	169	183	129	48	1	530
GE MEDICAL SYSTEMS GLOBAL TECHNOLOGY COMPANY, LLC	154	140	78	88	69	529
ADC TELECOMMUNICATIONS, INC.	82	84	89	131	142	528
SYMBOL TECHNOLOGIES, INC.	59	121	125	117	103	525

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 8 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
CALIFORNIA INSTITUTE OF TECHNOLOGY	101	115	116	96	93	521
UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH & HUMAN SERVICES	80	122	99	110	108	519
NITTO DENKO CORPORATION	84	109	100	103	118	514
SUMITOMO CHEMICAL COMPANY, LIMITED	113	102	109	80	107	511
TYCO ELECTRONICS CORPORATION	86	109	90	96	124	505
HARRIS CORP.	122	96	90	92	104	504
STANFORD UNIVERSITY	90	98	85	120	110	503
VISTEON GLOBAL TECHNOLOGIES, INC.	193	137	80	41	49	500
COMMISSARIAT A L'ENERGIE ATOMIQUE	83	92	91	98	134	498
MERCK PATENT GESELLSCHAFT MIT BESCHRANKTER HAFTUNG	88	100	104	100	106	498
LAM RESEARCH CORPORATION	125	110	89	74	93	491
SUMITOMO WIRING SYSTEMS, LTD.	113	134	103	63	75	488
DAI NIPPON PRINTING CO. LTD	86	103	90	92	115	486
ASTRAZENECA AB	90	105	100	100	87	482
HITACHI HIGH-TECHNOLOGIES CORPORATION	47	84	83	135	132	481
WEATHERFORD/LAMB, INC.	96	154	97	78	52	477
AISIN SEIKI KABUSHIKI KAISHA	89	97	86	94	109	475
TOYODA GOSEI KABUSHIKI KAISHA	116	91	106	78	84	475
WISCONSIN ALUMNI RESEARCH FOUNDATION	77	101	91	90	115	474
CNH AMERICA LLC	87	93	106	81	103	470
MERCK + CO., INC.	64	78	102	99	123	466
COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH	119	124	94	73	53	463
GOODYEAR TIRE + RUBBER COMPANY	114	130	77	67	75	463
UNIVERSITY OF TEXAS	89	107	90	79	98	463
ACUSHNET COMPANY	85	125	92	79	80	461

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - 20... Page 9 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
DELTA ELECTRONICS INC.	77	100	92	90	102	461
PENTAX CORPORATION	177	143	98	43	0	461
OMRON CORPORATION	81	105	105	84	82	457
PACESETTER, INC.	76	98	116	85	81	456
YAMAHA HATSUDOKI KABUSHIKI KAISHA, YAMAHA MOTOR CO., LTD.	53	66	91	101	145	456
ADVANTEST CORP.	52	86	93	110	113	454
HOYA CORPORATION	48	45	53	114	193	453
KONICA MINOLTA BUSINESS TECHNOLOGIES, INC.	5	72	92	107	173	449
HOFFMANN-LA ROCHE INC.	51	78	99	102	116	446
NCR CORPORATION	82	112	103	77	72	446
FUJINON CORPORATION (FORMERLY FUJI PHOTO OPTICAL CO. LTD.)	81	90	82	79	111	443
ALCATEL-LUCENT USA INC.	0	0	0	29	413	442
SIEMENS MEDICAL SOLUTIONS USA, INC.	34	36	61	144	162	437
CIBA SPECIALTY CHEMICALS CORPORATION	88	114	91	69	74	436
KLA-TENCOR TECHNOLOGIES CORP.	65	106	98	97	70	436
CADENCE DESIGN SYSTEMS, INC.	95	117	59	69	92	432
JUNIPER NETWORKS, INC.	45	86	82	81	138	432
ROCKWELL AUTOMATION TECHNOLOGIES, INC.	57	93	91	76	112	429
VICTOR COMPANY OF JAPAN, LIMITED	74	90	82	94	87	427
ZF FRIEDRICHSHAFEN, AG	55	82	93	99	98	427
KAO KABUSHIKI KAISHA (KAO CORPORATION)	84	97	74	78	87	420
ELPIDA MEMORY, INC.	50	49	84	97	139	419
UNISYS CORPORATION	83	106	86	89	52	416
CASIO COMPUTER CO. LTD.	31	50	70	93	171	415
INVENTEC CORPORATION	36	47	85	131	105	404

## Patenting By Geographic Region (ALL COUNTRIES), Breakout By Organization, CY 2005 - ... Page 10 of 35

First-Named Assignee	2005	2006	2007	2008	2009	Total
NSK LIMITED	88	90	91	91	43	403
MITSUBISHI HEAVY INDUSTRIES, LTD.	110	68	72	75	74	399
SHIMANO INC.	81	105	73	72	67	398
PITNEY-BOWES, INC.	93	83	62	80	79	397
RAMBUS, INC.	59	101	86	69	79	394
MINEBEA KABUSHIKI-KAISHA (MINEBEA CO., LTD)	110	128	75	40	40	393
INTERNATIONAL RECTIFIER CORPORATION	74	61	77	90	90	392
WESTERN DIGITAL TECHNOLOGIES, INC.	116	106	56	54	60	392
SEIKO INSTRUMENTS INC.	61	75	79	68	104	387
ITT MANUFACTURING ENTERPRISES, INC.	86	93	83	53	70	385
ADOBE SYSTEMS, INC.	40	56	56	86	146	384
BEN Q CORPORATION	83	112	138	41	8	382
JAPAN SCIENCE AND TECHNOLOGY AGENCY	35	62	87	102	93	379
BAYER AKTIENGESELLSCHAFT	176	148	38	11	5	378
ROLLS-ROYCE PLC	50	87	76	86	74	373
UNITED STATES OF AMERICA, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	87	62	70	66	86	371
SCHERING CORP.	58	71	68	73	98	368
ALSTOM TECHNOLOGY LTD	55	94	67	65	86	367
INSTITUT FRANCAIS DU PETROLE	57	70	90	74	71	362
KONICA CORPORATION	124	113	65	39	15	356
SCI-MED LIFE SYSTEMS, INC.	138	114	59	28	17	356
UOP	46	58	51	104	96	355
FANUC LTD.	49	91	91	70	47	348
JOHNS HOPKINS UNIVERSITY	71	91	62	66	56	346
ADVANCED CARDIOVASCULAR SYSTEMS, INC.	78	68	68	69	62	345
SPANSION LLC	3	56	113	90	83	345



CORPORATION SERVICE COMPANY

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## YTD-2007: Top 100 Companies

The Top 100 Companies - YTD are ranked by the number of USPTO applications submitted during the first three quarters of 2007 in which the company (or a related entity) is listed as the applicant and/or legal representative (correspondent).

YTD Rank	Company	#TMs YTD 07		2006 Rank	YTD Rank	Company	#TMs YTD 07		2006 Rank
		715	2	51	Reckitt Benckiser Inc.	88	29		
2	Merck & Co., Inc.	662	11	53	L.C. Licensing Inc.	87	50		
3	Walt Disney Company	523	3	54	HEB Grocery Company, LP	86	44		
4	GlaxoSmithKline	468	7	55	Carill Incorporated	85	85		
5	Procter & Gamble Company, The	290	13	55	Live Nation Worldwide	85	N/A		
6	Cox Enterprises, Inc.	278	N/A	57	ED Utility and Company	84	36		
7	Ultraconcurrent, Inc.	268	N/A	58	American Express Company	83	23		
8	Johnson & Johnson	251	16	59	Sears Holdings Corp.	82	60		
9	Viacom International Inc.	250	5	60	Wal-Mart Stores, Inc.	81	89		
10	Unilever	250	4	60	QUALCOMM Incorporated	81	N/A		
11	Deutsche Telekom AG	251	20	62	Cadbury Schweppes	80	32		
12	Philip Morris Inc.	227	10	63	Optimipress Holdings	78	N/A		
13	Bristol-Myers Squibb Company	226	14	64	Diageo, PLC	75	33		
14	Novartis	198	12	65	Callaway Golf Company	74	N/A		
15	Limited Brands, Inc.	180	9	66	Abbott Laboratories	73	41		
16	Playtex, Inc.	179	33	67	NFL Properties	72	62		
17	IGT	174	30	68	Bally Gaming International, Inc.	71	76		
18	Las Vegas Sands Corp.	171	N/A	68	Illinois Tool Works Inc.	71	N/A		
19	Estee Lauder Inc.	164	19	68	Aristocrat Technologies Australia Pty Ltd	71	N/A		
20	Nextel Corporation	163	17	68	Bank of America Corporation	71	N/A		
21	Saul Zaentz Company	158	N/A	72	Henkel Group	70	57		
22	Chesapeake Energy Corporation	155	N/A	72	Ford Motor Company	70	65		
23	CBS Corporation	153	31	74	Marriott International, Inc.	69	N/A		
24	Verizon Corp.	149	73	75	Microsoft Corporation	68	35		
24	General Electric Company	141	11	75	NBA Properties, Inc.	68	47		
26	World Wrestling Entertainment, Inc.	135	76	77	Syngenta Crop Protection, Inc.	67	N/A		
27	philosophy, inc.	133	72	77	Black & Decker Corporation, The	67	60		
28	Sony Corporation	132	15	77	Perfuma Jack International, Inc.	67	N/A		
29	Scripps Networks, Inc.	129	89	77	General Motors Corporation	67	61		
30	AIG	128	37	81	American Specialty Health Incorporated	65	N/A		
31	Abercrombie & Fitch Trading Co.	127	38	82	MeadWestvaco Corp	64	55		
32	Unilever	124	21	83	S.C. Johnson	63	N/A		
33	Pfizer Inc.	122	8	83	Hershey Chocolate & Confectionery Corporation	63	79		
34	Altria Group	120	22	85	Electrolux Inc.	62	N/A		
35	Masco Corporation	114	40	85	Comcast	62	74		
36	Arthur Andersen Corporation	112	48	85	Advantage Magazine Publishers, Inc.	62	N/A		
37	Jakks Pacific, Inc.	110	42	85	Bayer Corporation	62	N/A		
38	Manit Incorporated	106	24	85	Medtronic, Inc.	62	62		
39	LG Electronics Inc.	103	83	90	Bridgestone	61	N/A		
40	W.W. Grainger, Incorporated	99	28	91	Merck	60	94		
40	Hallmark Cards, Inc.	99	94	91	ConAgra	60	43		
42	General Mills, Inc.	97	48	93	Samsung	58	N/A		
42	Anheuser-Busch, Incorporated	97	26	93	Allstate Insurance Company	58	N/A		
44	Vital Pharmaceuticals, Inc.	95	N/A	93	Clorox Company, The	59	N/A		
45	Coca-Cola Company, The	94	27	96	Mitsubishi	57	N/A		
46	Wynn Resorts Holdings, Ltd.	93	124	96	CMS Investments, Inc.	52	N/A		
47	Raynaldo Garza	91	N/A	96	Tyco International	57	38		
48	Netgear	90	58	99	Wm. Wrigley Jr. Company	56	53		
49	Kohler Co.	90	99	100	Aventis Pharmaceuticals Inc.	55	N/A		
50	Reed Elsevier Inc.	89	N/A	100	Brown-Forman Corporation	55	N/A		
51	Starwood Hotels & Resorts Worldwide	88	66						

# THE NATIONAL LAW

## ANNUAL SURVEY OF THE NATION'S LARGEST LAW FIRMS

RANK	FIRM NAME	PRINCIPAL OR LARGEST OFFICE	ATTORNEYS
1	Baker & McKenzie	Chicago	3,774
2	Debevoise & Plimpton	Chicago	3,448
3	Jones Day	Washington	2,515
4	Hogan Lovells	Washington	2,345
5	Latham & Watkins	New York	2,008
6	Skadden, Arps, Slate, Meagher & Flom	New York	1,886
7	White & Case *	New York	1,863
8	Greenberg Traurig	New York	1,763
9	K&L Gates	Pittsburgh	1,734
10	Mayer Brown	Chicago	1,684
11	Sidley Austin	Chicago	1,571
12	Reed Smith	Pittsburgh	1,430
13	Kirkland & Ellis	Chicago	1,419
14	Morgan, Lewis & Bockius	Philadelphia	1,206
15	Weil, Gotshal & Manges	New York	1,193
16	Cleary Gottlieb Steen & Hamilton	New York	1,123
17	Orrick, Herrington & Sutcliffe	San Francisco	1,079
18	Dewey & LeBoeuf	New York	1,071
19	Ropes & Gray	Boston	1,062
20	Gibson, Dunn & Crutcher	Los Angeles	1,033
21	Morrison & Foerster	San Francisco	1,004
22	Holland & Knight	Washington	942
23	McDermott Will & Emery	Chicago	928
24	Bryan Cave	St. Louis	928
25	Paul, Hastings, Janofsky & Walker	New York	924
26	Bingham McCutchen	Boston	918
27	Wilmer Cutler Pickering Hale and Dorr	Washington	907

EXHIBIT I